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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,179	02/11/2004	Kenji Urabe	016907-1599	9924
22428	7590	01/13/2006	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			BRASE, SANDRA L	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,179

Applicant(s)

URABE, KENJI

Examiner

Sandra L. Brase

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/11/04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Takagi et al. (US 2003/0002882).
5. Takagi et al. (...882) disclose a fixing device comprising: a substantially cylindrical heat roller (11) that is used for fixing toner on paper; a center heater (12a, 21a, 22a, 23a, 31a, 32a, 33a, 34a and 35a) disposed within the heat roller, where the center heater being located at a

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center region in a longitudinal direction of the heat roller and at a position displaced in a first direction from a diametrical center position of the heat roller (figures 2A-3E and 23; and [0055]-[0074]); a side heater (12b, 12c, 21b, 21c, 22b, 22c, 23b, 23c, 31b, 31c, 32b, 32c, 33b, 33c, 34b, 34c, 35b, and 35c) disposed within the heat roller, the side heater being located at a side region in the longitudinal direction of the heat roller and at a position displaced in a second direction from the diametrical center position of the heat roller (figures 2A-3E and 23; and [0055] – [0074]); a first temperature detection element (155) that detects a surface temperature of the heat roller at a position where a position in the longitudinal direction of the heat roller corresponds to the center heater ([0164] – [0172]); and a second temperature detection element (156) that is positioned in phase with the first temperature detection element in a circumferential direction of the heat roller (figures 1 and 23), and detects a surface temperature of the heat roller at a position where a position in the longitudinal direction of the heat roller corresponds to the side heater ([0164] – [0172]). The fixing device comprising: a power supply turn-off element (108) that turns off power to the center heater and the side heater when the surface temperature of the heat roller reaches a predetermined turn-off temperature ([0168]), wherein the first temperature detection element and the second temperature detection element are positioned in a phase different from a phase of the power supply turn-off element (figure 2).

6. Claims 1, 2 and 13 are rejected under 35 U.S.C. 102(a) as being anticipated by Nishi (US 6,587,654).

7. Nishi (...654) discloses an image forming apparatus that forms an image on paper comprising: a toner image forming section (col. 5, lines 26-50) that forms a toner image on paper

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(P); and a fixing device comprising: a substantially cylindrical heat roller (59) that is used for fixing on the paper the toner image which is formed on the paper by the toner image forming section (col. 7, lines 13-20); a center heater (58b) disposed within the heat roller, where the center heater being located at a center region in a longitudinal direction of the heat roller and at a position displaced in a first direction from a diametrical center position of the heat roller (figure 4); a side heater (58a and 58c) disposed within the heat roller, the side heater being located at a side region in the longitudinal direction of the heat roller and at a position displaced in a second direction from the diametrical center position of the heat roller (figure 4); a first temperature detection element (107b) that detects a surface temperature of the heat roller at a position where a position in the longitudinal direction of the heat roller corresponds to the center heater (col. 7, lines 40-56; and figures 2 and 4); and a second temperature detection element (107a and 107c) that is positioned in phase with the first temperature detection element in a circumferential direction of the heat roller (figures 2 and 4), and detects a surface temperature of the heat roller at a position where a position in the longitudinal direction of the heat roller corresponds to the side heater (col. 7, lines 40-56).

Allowable Subject Matter

8. Claims 3-12 are allowed.

Prior Art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Euler (US 4,585,325), Ishizawa et al. (US 5,862,436), Wakamiya et al. (US 6,008,829), Kida et al. (US 6,173,132), Takano (US 2003/0123891), Kikuchi et al. (US 2003/0198481), Kinouchi et al. (US 2003/0215255) and Kinouchi et al. (US 2003/0219271) disclose a fixing device including a center heater and a side heater.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is 571-272-2131. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on 571-272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sandra L. Brase
Primary Examiner
Art Unit 2852

January 9, 2006